

TENTATIVE RULINGS

CIVIL / FAMILY LAW CASE MANAGEMENT CALENDAR

For: 6/22/10 Monday Dept: 1A

(Posted 6/17/10)

Tentative Rulings are proposed as orders to be issued at the hearing and are posted in advance for the convenience of the parties and their counsel. Any party objecting to the tentative ruling should promptly notify the opposing party of the substance of the objection with sufficient time to allow all parties, or their attorneys of record, to appear in person or by telephone at the scheduled hearing. Absent objection, the Court routinely adopts the tentative ruling as posted. Failures to appear, absent an order to appear, are deemed consent to the tentative ruling.

1. **1:00 PM** Case: CF8772 [M] WILLIAMS v NATHAN/WEINSTEIN
Type: BREACH OF CONTRACT Date Filed: 08/04/09
Event: FURTHER CASE MANAGEMENT CONFERENCE
Event: CONTINUED OSC RE: FILING COMPLIANCE
VACATE IF ALL POS/ANSWERS ARE FILED

PLNTFF: WILLIAMS, CHRISTOPHER D ATTY: IN PRO PER
DEFNDT: NATHAN, RANDALL J
DEFNDT: WEINSTEIN, SIDNEY

Tentative Ruling: This matter remains stayed for arbitration. The next Case Management hearing shall be in Dept. 1A at 1:00PM on 12/20/10.

2. **1:00 PM** Case: CF8915 [M] RBS CITIZENS NA v BAPTISTA
Type: COLLECTIONS Date Filed: 10/22/09
Event: FURTHER CASE MANAGEMENT CONF-CIVIL

PLNTFF: RBS CITIZENS NA ATTY: HOLLINS SCHECHTER
DEFNDT: BAPTISTA, SHANE JEREMY
Service Date/Type: 03/05/10 PER 00/00/00
DEFNDT: BAPTISTA, WENDY LEE ATTY: FARLEY, PAUL F. ESQ.
Service Date/Type: 00/00/00 Answer Date: 03/09/10

Tentative Ruling: No Summons was issued in this matter. The plaintiff has not filed a proper Proof of Service as to all named defendants. (Shane Baptista) Plaintiff must file a proper Proof of Service prior to the next hearing. The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 11/22/10.

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3. 1:00 PM Case: CV30697 [S] KUIL v MEYER
Type: DAMAGES-NON TORT Date Filed: 06/16/04
Priority Info: 170.1 DM
Event: COURT'S MOTION TO DISMISS PER CRC 3.1385

PLNTFF: KUIL, DALE ATTY: FOLEY LAW OFFICES, KENNETH M.
PLNTFF: KUIL, EILEEN ATTY: FOLEY LAW OFFICES, KENNETH M.
DEFNDT: LAWRENCE, MEL ATTY: MURPHY PEARSON BRADLEY & FEEN
Service Date/Type: 07/21/04 PER Answer Date: 10/20/04
DEF/XC: POKER FLAT PROPERTY OWNERS ASSOC ATTY: MURPHY PEARSON BRADLEY & FEEN
Service Date/Type: 07/21/04 PER Answer Date: 10/20/04
DF/X-D: MEYER, JOHN L. ATTY: FINKELSTEIN, LAW OFFICES OF D
Service Date/Type: 08/02/04 PER Answer Date: 08/31/04
ASSOC: HALLUM, KENNETH M. ESQ.
DF/X-D: MEYER, DOROTHY L. ATTY: FINKELSTEIN, LAW OFFICES OF D
Service Date/Type: 08/03/04 MAI Answer Date: 08/31/04
ASSOC: HALLUM, KENNETH M. ESQ.

Tentative Ruling: The matter was previously noticed and set for the court's motion to dismiss pursuant to Cal. Rules of Court 3.1385. No opposition to the motion has been filed and the matter is hereby ordered dismissed with prejudice.

4. 1:00 PM Case: CV33946 [S] HANSEN v MARK TWAIN ST JOSEPH
Type: MALPRACTICE - MEDICAL/DENTAL Date Filed: 08/03/07
Event: TRIAL SETTING CONFERENCE

PLNTFF: HANSEN, LINDA ATTY: BRAYTON PURCELL LLP
DEFNDT: MARK TWAIN ST JOSEPH'S HOSPITAL ATTY: LOW MCKINLEY BALERIA
Service Date/Type: 08/28/07 PER Answer Date: 12/13/07
DEFNDT: EASTMAN, MARK E. D.O. ATTY: ZARO SILLIS & RAMAZZINI LLP
Service Date/Type: 01/14/08 PER Answer Date: 06/11/08

Tentative Ruling: The case is At-Issue and is set for Trial Re: Claims against Defendant Eastman in Dept. 1 approximately 90 days out. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: 7 day jury trial. The next Case Management hearing shall be in Dept. 1A at 1:00PM on 11/22/10.

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5. 1:00 PM Case: CV35031 [S] CRV ENTERPRISES v GATES
Type: BREACH OF CONTRACT Date Filed: 08/29/08
Event: TRIAL SETTING CONFERENCE

PLNTFF: CRV ENTERPRISES INC ATTY: SNIDER DIEHL & RASMUSSEN LLP
PLNTFF: VALLEY SPRINGS GOLD CREEK INC ATTY: SNIDER DIEHL & RASMUSSEN LLP
DEFNDT: DROGO DEVELOPMENT INC ATTY: DAVENPORT, GREGORY R ESQ
Service Date/Type: 01/20/09 PUB Answer Date: 05/22/09
DEFNDT: DROGO, SAMUEL ATTY: DAVENPORT, GREGORY R ESQ
Service Date/Type: 01/20/09 PUB Answer Date: 05/22/09
AKA: DROGO, SAM
DEFNDT: WESTERN WOOD FABRICATORS ATTY: MENEKSHE CARDWELL & RUIZ
Service Date/Type: 10/14/08 SUB Answer Date: 12/02/08
DEF/XC: GATES, JAMES ALLEN ATTY: DIEPENBROCK & COTTER
Service Date/Type: 11/13/08 PER Answer Date: 01/14/09
AKA: GATES, JAMES
DBA: JAG CONSTRUCTION
X-DEFT MCCLURE, RYAN V.
Service Date/Type: 10/07/09 PER 00/00/00
X-DEFT RYAN MCCLURE EXCAVATION INC.

Tentative Ruling: The case is At-Issue and is set for Settlement Conference in Dept. 1A approximately 90 days out and for Trial in Dept. 1 approximately 120 days out. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: 7 day jury trial.

6. 1:00 PM Case: CV35331 [S] RITE OF PASSAGE v WEINSTEIN, ETAL
Type: QUIET TITLE Date Filed: 12/22/08
Event: COURT'S MOTION TO DISMISS PER CCP 3.1385
08/03/10 10:00 1 PLAINTIFF'S MOTION FOR ENTRY OF JUDGMENT
UPON SETTLEMENT AGREEMENT/ENFORCEMENT OF
JUDGMENT AND AF&C

Related cases on this calendar: CF8772 ,
PLNTFF: RITE OF PASSAGE ATHLETIC TRAINING ATTY: PEMBERTON, TIMOTHY W. ESQ
DEFNDT: WEINSTEIN, SIDNEY ATTY: AIROLA & AIROLA
Service Date/Type: 00/00/00 Answer Date: 02/13/09
ASSOC: ELLISON SCHNEIDER & HARRIS LL
DEFNDT: NATHAN, RANDALL J. ATTY: AIROLA & AIROLA
Service Date/Type: 00/00/00 Answer Date: 02/13/09
ASSOC: ELLISON SCHNEIDER & HARRIS LL

Tentative Ruling: The matter was set for the court's motion to dismiss pursuant to CRC 3.1385. Good cause has been shown to continue the motion to dismiss which is reset to Dept. 1A at 1:00 PM on 10/25/10.

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7. 1:00 PM Case: CV35422 [S] WALCOTT v RICKS/HUGHES
Type: PI-NON MOTOR VEHICLE Date Filed: 01/28/09
Event: FURTHER CASE MANAGEMENT CONFERENCE

Related cases NOT on this calendar: CV36147 ,
PLNTFF: WALCOTT, MARGIE ATTY: STAWICKI & MAPLES
DEFNDT: RICKS, RICHARD
Service Date/Type: 03/11/09 PER 00/00/00
AKA: HUGES, RICHARD
DEFNDT: HUGHES, JOY
Service Date/Type: 03/12/09 SUB 00/00/00
DEFNDT: WASHINGTON, MARK
Service Date/Type: 09/21/09 SUB 00/00/00
DEFNDT: WASHINGTON, MIRIAM
Service Date/Type: 09/17/09 PER 00/00/00

Tentative Ruling: The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 9/20/10.

8. 1:00 PM Case: CV35646 [S] STOVALL JR v STATE OF CALIFORNIA
Type: P.I. MOTOR VEHICLE Date Filed: 04/21/09
Event: TRIAL SETTING

PLNTFF: STOVALL, LEONARD PAUL JR ATTY: YOUNG.WARD ATTORNEYS
DEFNDT: STATE OF CALIFORNIA ATTY: DEPARTMENT OF TRANSPORTATION
Service Date/Type: 00/00/00 Answer Date: 09/10/09
DEFNDT: STATE OF CA DEPT OF TRANSPORTATIO ATTY: DEPARTMENT OF TRANSPORTATION
Service Date/Type: 00/00/00 Answer Date: 09/10/09

Tentative Ruling: The case is At-Issue and is set for Settlement Conference in Dept. 1A approximately 120 days out and for Trial in Dept. 1 approximately 150 days out. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: 7 day jury trial.

9. 1:00 PM Case: CV35746 [S] SCHMIDT v US BANK NATIONAL ASSO
Type: QUIET TITLE Date Filed: 05/26/09
Event: TRIAL SETTING AFTER MEDIATION - CIVIL

PLNTFF: SCHMIDT, DONALD BRUCE ATTY: WEISBERG, MICHAEL ESQ
PLNTFF: SCHMIDT, DONNA B. ATTY: WEISBERG, MICHAEL ESQ
DEFNDT: HOMEQ SERVICING CORPORATION
Service Date/Type: 06/01/09 PER 00/00/00
DEFNDT: BARCLAYS CAPITAL REAL ESTATE INC ATTY: HOUSER & ALLISON
Service Date/Type: 06/02/09 PER Answer Date: 12/23/09
DBA: HOMEQ SERVICING
D/TRSTE US BANK NA ATTY: HOUSER & ALLISON
Service Date/Type: 06/02/09 PER Answer Date: 12/23/09

Tentative Ruling: The case is At-Issue and is set for Settlement Conference in Dept. 1A approximately 120 days out and for Trial in Dept. 1 approximately 150 days out. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: 4 day jury trial.

10. 1:00 PM Case: CV36016 [S] TIERNEY, ETAL v ASAL DEVELOPMENT ETAL
Type: FORECLOSURE Date Filed: 08/26/09
Event: TRIAL SETTING AFTER MEDIATION

PLF/XD: TIERNEY, ALLEN P. ATTY: YOUNG.WARD ATTORNEYS
PLF/XD: GLENN, JOHN DAVID ATTY: YOUNG.WARD ATTORNEYS
DEF/XC: ASAL DEVELOPMENT CORPORATION ATTY: GAZZERA O'GRADY & STEVENS
Service Date/Type: 00/00/00 Answer Date: 11/24/09

Tentative Ruling: The case is At-Issue and is set for Settlement Conference in Dept. 1A approximately 120 days out and for Trial in Dept. 1 approximately 150 days out. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: 5 day jury trial.

11. **1:30 PM** Case: 10FL36446 [S] OLSEN v REDICK
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 02/16/10
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PETNR: OLSEN, CARLENE ATTY: IN PRO PER
RESP: REDICK, STANLEY III

Tentative Ruling: The petitioner has not filed a Proof of Service (FL-115) of the Summons and Petition with the court. The court cannot proceed with any orders until Proof of Service is filed. Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 10/25/10.

12. 1:30 PM Case: CV32882 [S] FRANKLIN v FRANKLIN
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 08/04/06
Event: CASE MANAGEMENT CONF/TRIAL SETTING
ON RESPONDENT'S OSC FOR MODIFICATION OF
CUSTODY AND VISITATION

PETNR: FRANKLIN, ANDREA ATTY: CECHINI, JOHN STEVEN ESQ
J/PRTY: COUNTY OF CALAVERAS D.A.: CENTRAL SIERRA CHILD SUPPORT
MINOR: FRANKLIN MINORS P.D.: KEENE (P.D.), PATRICK M ESQ
RESP: FRANKLIN, JOHN C. ATTY: GEE, DOUGLAS M. ESQ
Service Date/Type: 00/00/00 Answer Date: 09/12/06
CLAMNT: WESTERN CONFERENCE OF TEAMSTERS P

Tentative Ruling: The matter is set for Settlement and Trial Setting Conference (See Local Rule 5.9(b)) with Settlement Conference Statements due 5 court days prior to hearing at 2:30 PM in Dept. 1A on 7/19/10.

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13. 1:30 PM Case: CV34098 [S] GARRY v GARRY
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 09/26/07
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW
06/29/10 11:00 1 TRIAL CONFIRMATION CONFERENCE
06/30/10 9:00 1 COURT TRIAL RE CUSTODY AND VISITATION
HON JOHN E MARTIN

Related cases NOT on this calendar: C13219 ,
PETNR: GARRY, STEPHANIE ATTY: CALDERWOOD, BRUCE G ESQ
MINOR: GARRY MINOR P.D.: KEENE (P.D.), PATRICK M ESQ
RESP: GARRY, TIMOTHY ATTY: YANKOVSKY, KRISTINE ESQ
Service Date/Type: 00/00/00 Answer Date: 10/29/07
CLAMNT: ST JOSEPHS RETIRE SALARY SAVINGS

Tentative Ruling: Trial is confirmed. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 9/20/10.

14. 1:30 PM Case: CV35146 [S] BOND v BOND
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 10/08/08
At-Issue Date: 00/00/00 Trial: 12/10/09 COURT TRIAL - SHORT CAUSE
Priority Info: STATUS ENTERED 12-10-09
Event: FURTHER CASE MANAGEMENT CONF RE JUDGMENT

PETNR: BOND, RUSS ATTY: IN PRO PER
RESP: BOND, MINDY RENE ATTY: IN PRO PER
Service Date/Type: 10/15/08 PER Answer Date: 11/12/08

Tentative Ruling: If a final Judgment (FL-180) on all issues is on file prior to the next Case Management hearing the Case Management hearing will be vacated. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 12/20/10.

15. 1:30 PM Case: CV35209 [S] EASTWOOD v EASTWOOD
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 11/03/08
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW
09/01/10 9:00 4 CSCSA'S MOTION RE MODIFICATION OF CHILD
SUPPORT (FR \$424 TO \$1,479)

PETNR: EASTWOOD, MICHELE L ATTY: IN PRO PER
J/PRTY: COUNTY OF CALAVERAS D.A.: CENTRAL SIERRA CHILD SUPPORT
MINOR: EASTWOOD MINORS P.D.: KEENE (P.D.), PATRICK M ESQ
RESP: EASTWOOD, DAVID ATTY: ASH, CYRIL ESQ
Service Date/Type: 00/00/00 Answer Date: 01/26/09
CLAMNT: CARPENTER PEN. TRUST FUND FOR NO. ATTY: KRAW & KRAW

Tentative Ruling: This matter may be concluded by filing a Marital Settlement Agreement ("MSA") signed by the parties attached to the Judgment (FL-180). After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 9/20/10.

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16. 1:30 PM Case: CV35937 [S] CENTER v CENTER
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 08/05/09
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: CENTER, YOLANDA ATTY: IN PRO PER
RESP: CENTER, GREG
Service Date/Type: 08/15/09 PER 00/00/00

Tentative Ruling: Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. There is Proof of Service but no Response (FL-120) or Default (FL-165). Prior to the next CMC, unless a Response is filed, Petitioner must file the Request for Default or dismiss the action. The CMC is set for Dept 1A at 1:30 PM on 10/25/10.

17. 1:30 PM Case: CV35969 [S] BOWERS v BOWERS
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 08/14/09
Event: FURTHER CASE MANAGEMENT CONFERENCE

PETNR: BOWERS, COURTNEY M. ATTY: IN PRO PER
RESP: BOWERS, RUSSELL L.
Service Date/Type: 08/22/09 PER 00/00/00

Tentative Ruling: Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. There is Proof of Service but no Response (FL-120) or Default (FL-165). Prior to the next CMC, unless a Response is filed, Petitioner must file the Request for Default or dismiss the action. The CMC is set for Dept 1A at 1:30 PM on 10/25/10.

18. 1:30 PM Case: CV36159 [S] BARAJAS v BARAJAS
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 10/20/09
Priority Info: CUSTODY/VISITATION BIFURCATED
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: BARAJAS, LINDSEY ATTY: TRIFILO, JOHN J. ESQ
RESP: BARAJAS, MICHAEL ATTY: YANKOVSKY, KRISTINE ESQ
Service Date/Type: 10/29/09 PER Answer Date: 11/23/09

Tentative Ruling: There are temporary orders. Respondent is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. This matter may be concluded by filing a Marital Settlement Agreement ("MSA") signed by the parties attached to the Judgment (FL-180). After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 9/20/10.

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19. 1:30 PM Case: CV36265 [S] ILLIDGE v ILLIDGE
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 11/19/09
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: ILLIDGE, CHARLES D ATTY: IN PRO PER
RESP: ILLIDGE, LAVESHA CRAWFORD ATTY: IN PRO PER
Service Date/Type: 00/00/00 Answer Date: 11/24/09

Tentative Ruling: Petitioner and Respondent are ordered to serve and file Preliminary Declarations of Disclosure (FL-141) prior to the next hearing. This matter may be concluded by filing a Marital Settlement Agreement ("MSA") signed by the parties attached to the Judgment (FL-180). After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 10/25/10.

20. 1:30 PM Case: CV36308 [S] REIF v REIF
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 12/10/09
Priority Info: LEAD CASE - CONSOL W/ 34909
Event: FURTHER CASE MANAGEMENT CONFERENCE AND
RETURN ON MEDIATION

Related cases NOT on this calendar: CV34909 ,
PETNR: REIF, LAUREN A ATTY: IN PRO PER
NKA: SWARTZ, LAUREN A.
J/PRTY: COUNTY OF CALAVERAS D.A.: CENTRAL SIERRA CHILD SUPPORT
RESP: REIF, JONATHAN W ATTY: IN PRO PER
Service Date/Type: 12/18/09 PER 00/00/00

Tentative Ruling: There are temporary orders. Petitioner and Respondent are ordered to serve and file Preliminary Declarations of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 9/20/10.

21. **2:30 PM** Case: 10GD7141 [S] GUARD. OF DONOVAN-MAY
Type: GUARDIANSHIP OF MINOR & ESTATE Date Filed: 04/07/10
Event: SETTLEMENT/TRIAL SETTING CONFERENCE ON
PETN FOR APPT. OF GUARDIAN-PERSON/ESTATE
GRANT V. BARRETT, JUDGE PRO TEM
06/30/10 9:00 1 COURT TRIAL ON PETITION FOR APPOINTMENT
OF GUARDIAN-PERSON AND ESTATE
TENTATIVE DATE

Related cases NOT on this calendar: CV33897 ,
PETNR: BLOOD, RICHARD ATTY: D'ARCY, CHERIE ESQ
PETNR: BLOOD, MARGARET ATTY: D'ARCY, CHERIE ESQ
MINOR: DONOVAN-MAY, MADELINE L.
MINOR: DONOVAN-MAY, MILES R.
MOTHER: DECEASED
FATHER: MAY, JASON ATTY: AIROLA & AIROLA

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

22. 2:30 PM Case: CV35629 [S] SIMONS v SIMONS
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 04/13/09
Event: SETTLEMENT AND TRIAL SETTING CONFERENCE
GRANT V. BARRETT, JUDGE PRO TEM

Related cases NOT on this calendar: C14211 , JD4851 , JD4852 ,
PETNR: SIMONS, PEGGY J. ATTY: CHAVEZ-OCHOA LAW OFFICES INC.
RESP: SIMONS, JASON L. ATTY: IN PRO PER
Service Date/Type: 00/00/00 Answer Date: 05/22/09

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

23. 2:30 PM Case: CV36346 [S] LEAKE v MCALLISTER
Type: ESTABLISH PARENTAL RELATIONSHI Date Filed: 12/29/09
Priority Info: CONFIDENTIAL
Event: SETTLEMENT CONFERENCE/TRIAL SETTING RE
CUSTODY & VISITATION

Related cases NOT on this calendar: CV26397 ,
PETNR: LEAKE, SANDRA J ATTY: IN PRO PER
MINOR: MCALLISTER MINORS P.D.: KEENE (P.D.), PATRICK M ESQ
RESP: MCALLISTER, JOHN D ATTY: IN PRO PER
Service Date/Type: 01/05/10 PER Answer Date: 01/21/10

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

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